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1 A bill to be entitled
2 An act relating to education; amending s. 1002.31,
3 F.S.; deleting obsolete language; providing
4 requirements for the determination of capacity for
5 certain virtual schools; amending s. 1002.33, F.S.;
6 providing for a standard virtual charter contract and
7 standard virtual charter renewal contract; revising
8 charter requirements; requiring virtual charter
9 schools to comply with specified provisions; repealing
10 s. 1002.37(2)(i) and (4), F.S.; repealing the
11 requirement for the board of trustees of the Florida
12 Virtual School to establish criteria defining the
13 elements of an approved franchise; repealing how
14 school districts with an approved franchise report
15 students; amending s. 1002.394, F.S.; revising
16 Department of Education duties under the Family
17 Empowerment Scholarship Program; revising requirements
18 for a specified calculation; revising terminology;
19 amending ss. 1002.395 and 1002.40, F.S.; revising
20 Department of Education duties under the Florida Tax
21 Credit Scholarship Program and the Hope Scholarship
22 Program, respectively; amending s. 1002.45, F.S.;
23 revising and providing definitions; authorizing
24 students who reside in the school district, rather
25 than students enrolled in the school district, to

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participate in school district virtual instruction programs; deleting the purpose of specified programs; requiring each virtual instruction program, rather than full-time programs, to operate under its own Master School Identification Number; authorizing certain service organizations to execute specified contractual arrangements; revising school district responsibilities; requiring the State Board of Education to approve certain virtual instruction program providers; revising the requirements for approval of a virtual instruction program provider; providing additional requirements for school district contracts with approved virtual instruction program providers; revising the requirements for calculating student funding for students enrolled in certain virtual education programs; requiring approved virtual instruction program providers to receive a district grade; providing requirements for such grade; revising requirements for the automatic termination of an approve virtual instruction provider's contract; requiring the State Board of Education to adopt rules for a specified standard contract; amending s. 1002.455, F.S.; revising the virtual instruction options available to certain students; requiring school districts enrolling certain students in virtual

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51 education programs to comply with specified enrollment
52 requirements; amending s. 1003.498, F.S.; providing
53 requirements for funding for certain virtual courses;
54 amending s. 1003.52, F.S.; revising requirements for
55 the funding of certain students in juvenile justice
56 education programs; amending s. 1006.12, F.S.;
57 conforming cross-references; amending s. 1010.20,
58 F.S.; revising the percentage of certain funds school
59 districts must spend on juvenile justice programs;
60 amending s. 1011.62, F.S.; revising the calculation
61 for the basic amount for current operation for
62 kindergarten through grade 12; authorizing certain
63 funds to be used to purchase certain computers and
64 device hardware; deleting the Florida digital
65 classrooms allocation; deleting the funding
66 compression and hold harmless allocation; amending ss.
67 1011.71, 1012.22, and 1012.584, F.S.; conforming
68 cross-references; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Paragraphs (a) and (b) of subsection (2) of
73 section 1002.31, Florida Statutes, are amended to read:

74 1002.31 Controlled open enrollment; Public school parental
75 choice.—

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76 (2)(a) ~~Beginning by the 2017-2018 school year,~~ As part of
77 a school district's or charter school's controlled open
78 enrollment process, and in addition to the existing public
79 school choice programs provided in s. 1002.20(6)(a), each
80 district school board or charter school shall allow a parent
81 from any school district in the state whose child is not subject
82 to a current expulsion or suspension to enroll his or her child
83 in and transport his or her child to any public school,
84 including charter schools, that has not reached capacity in the
85 district, subject to the maximum class size pursuant to s.
86 1003.03 and s. 1, Art. IX of the State Constitution. The school
87 district or charter school shall accept the student, pursuant to
88 that school district's or charter school's controlled open
89 enrollment process, and report the student for purposes of the
90 school district's or charter school's funding pursuant to the
91 Florida Education Finance Program. A school district or charter
92 school may provide transportation to students described under
93 this section.

94 (b) Each school district and charter school capacity
95 determinations for its schools must be current and must be
96 identified on the school district and charter school's websites.
97 In determining the capacity of each district school, the
98 district school board shall incorporate the specifications,
99 plans, elements, and commitments contained in the school
100 district educational facilities plan and the long-term work

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101 programs required under s. 1013.35. Each charter school
102 governing board shall determine capacity based upon its charter
103 school contract. Each virtual charter school and each school
104 district with a contract with an approved virtual instruction
105 program provider shall determine capacity based upon the
106 enrollment requirements established under s. 1002.45(1)(e) 4.

107 Section 2. Subsections (1) and (7), paragraph (a) of
108 subsection (10), paragraphs (b) and (f) of subsection (17), and
109 paragraph (a) of subsection (21) of section 1002.33, Florida
110 Statutes, are amended to read:

111 1002.33 Charter schools.—

112 (1) AUTHORIZATION.—All charter schools in Florida are
113 public schools and shall be part of the state's program of
114 public education. A charter school may be formed by creating a
115 new school or converting an existing public school to charter
116 status. A charter school may operate a virtual charter school
117 pursuant to s. 1002.45(1)(d) to provide online instruction to
118 students, pursuant to s. 1002.455, in kindergarten through grade
119 12. The school district in which the student enrolls in the
120 virtual charter school shall report the student for funding
121 pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school
122 district shall not report the student for funding. An existing
123 charter school that is seeking to become a virtual charter
124 school must amend its charter or submit a new application
125 pursuant to subsection (6) to become a virtual charter school. A

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virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subparagraph (7)(a)13., subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract or proposed virtual charter contract that differs from the standard charter or virtual charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of

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the charter shall be based on:

1. The school's mission, the types of students to be served, ~~and, for a virtual charter school, the types of students~~ the school intends to serve who reside outside of the sponsoring school district, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both

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176 traditional classroom and online instructional techniques.
177 Charter schools may implement blended learning courses which
178 combine traditional classroom instruction and virtual
179 instruction. Students in a blended learning course must be full-
180 time students of the charter school pursuant to s.
181 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
182 1012.55 who provide virtual instruction for blended learning
183 courses may be employees of the charter school or may be under
184 contract to provide instructional services to charter school
185 students. At a minimum, such instructional personnel must hold
186 an active state or school district adjunct certification under
187 s. 1012.57 for the subject area of the blended learning course.
188 The funding and performance accountability requirements for
189 blended learning courses are the same as those for traditional
190 courses.

191 3. The current incoming baseline standard of student
192 academic achievement, the outcomes to be achieved, and the
193 method of measurement that will be used. The criteria listed in
194 this subparagraph shall include a detailed description of:

195 a. How the baseline student academic achievement levels and
196 prior rates of academic progress will be established.

197 b. How these baseline rates will be compared to rates of
198 academic progress achieved by these same students while
199 attending the charter school.

200 c. To the extent possible, how these rates of progress will

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be evaluated and compared with rates of progress of other closely comparable student populations.

A district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

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226 8. The ways by which the school will achieve a
227 racial/ethnic balance reflective of the community it serves or
228 within the racial/ethnic range of other nearby public schools or
229 school districts.

230 9. The financial and administrative management of the
231 school, including a reasonable demonstration of the professional
232 experience or competence of those individuals or organizations
233 applying to operate the charter school or those hired or
234 retained to perform such professional services and the
235 description of clearly delineated responsibilities and the
236 policies and practices needed to effectively manage the charter
237 school. A description of internal audit procedures and
238 establishment of controls to ensure that financial resources are
239 properly managed must be included. Both public sector and
240 private sector professional experience shall be equally valid in
241 such a consideration.

242 10. The asset and liability projections required in the
243 application which are incorporated into the charter and shall be
244 compared with information provided in the annual report of the
245 charter school.

246 11. A description of procedures that identify various
247 risks and provide for a comprehensive approach to reduce the
248 impact of losses; plans to ensure the safety and security of
249 students and staff; plans to identify, minimize, and protect
250 others from violent or disruptive student behavior; and the

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manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate

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276 of occupancy or a temporary certificate of occupancy for such a
277 facility earlier than 15 calendar days before the first day of
278 school.

279 14. The qualifications to be required of the teachers and
280 the potential strategies used to recruit, hire, train, and
281 retain qualified staff to achieve best value.

282 15. The governance structure of the school, including the
283 status of the charter school as a public or private employer as
284 required in paragraph (12)(i).

285 16. A timetable for implementing the charter which
286 addresses the implementation of each element thereof and the
287 date by which the charter shall be awarded in order to meet this
288 timetable.

289 17. In the case of an existing public school that is being
290 converted to charter status, alternative arrangements for
291 current students who choose not to attend the charter school and
292 for current teachers who choose not to teach in the charter
293 school after conversion in accordance with the existing
294 collective bargaining agreement or district school board rule in
295 the absence of a collective bargaining agreement. However,
296 alternative arrangements shall not be required for current
297 teachers who choose not to teach in a charter lab school, except
298 as authorized by the employment policies of the state university
299 which grants the charter to the lab school.

300 18. Full disclosure of the identity of all relatives

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employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to

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the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process,

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administrative proceeding, and any appeals, to be paid by the party against whom the administrative law judge rules.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Changes to curriculum which are consistent with state standards shall be deemed approved unless

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the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

(f) A charter may include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the district in connection with complaints to the

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Office of Civil Rights or the Equal Employment Opportunity Commission.

(10) ELIGIBLE STUDENTS.—

(a)1. A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

2. A virtual charter school when enrolling students shall comply with the applicable requirements of s. 1002.31 and with the enrollment requirements established under s. 1002.45(1)(e)4.

3. ~~However, in the case of a charter lab school, the~~ charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located.

4. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(b)1. The basis for the agreement for funding students

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enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, and the evidence-based reading allocation, ~~and the Florida digital classrooms allocation~~. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets

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shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy, divided by total funded weighted full-time equivalent students in the district, and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s.

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1013.62 and the General Appropriations Act.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(6) ~~s. 1002.45(7)~~.

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter and virtual charter contracts ~~contract~~, standard evaluation instrument, and standard charter and virtual charter renewal contracts ~~contract~~, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors and charter schools before implementation. The charter and virtual charter contracts and charter renewal and virtual charter contracts shall be used by charter school sponsors.

Section 3. Paragraph (i) of subsection (2) and subsection (4) of section 1002.37, Florida Statutes, are repealed.

Section 4. Paragraph (a) of subsection (8) and subsection (12) of section 1002.394, Florida Statutes, are amended to read:
1002.394 The Family Empowerment Scholarship Program.—

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship

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Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

2. Cross-check ~~before each distribution of funds~~ the list of participating scholarship students with the public school enrollment lists ~~before each scholarship payment~~ to avoid duplication.

3. Maintain and publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (9)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of students determined to be eligible for a scholarship.

5. Notify each school district of a parent's participation in the scholarship program for purposes of paragraph (7)(f).

6. Deny or terminate program participation upon a parent's failure to comply with subsection (10).

7. Notify the parent and the organization when a scholarship account is closed and program funds revert to the state.

8. Notify an eligible nonprofit scholarship-funding organization of any of the organization's or other organization's identified students who are receiving scholarships under this chapter.

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526 9. Maintain on its website a list of approved providers as
527 required by s. 1002.66, eligible postsecondary educational
528 institutions, eligible private schools, and eligible
529 organizations and may identify or provide links to lists of
530 other approved providers.

531 10. Require each organization to verify eligible
532 expenditures before the distribution of funds for any
533 expenditures made pursuant to subparagraphs (4)(b)1. and 2.
534 Review of expenditures made for services specified in
535 subparagraphs (4)(b)3.-15. may be completed after the purchase
536 is made.

537 11. Investigate any written complaint of a violation of
538 this section by a parent, a student, a private school, a public
539 school, a school district, an organization, a provider, or
540 another appropriate party in accordance with the process
541 established under s. 1002.421.

542 12. Require quarterly reports by an organization, which
543 must include, at a minimum, the number of students participating
544 in the program; the demographics of program participants; the
545 disability category of program participants; the matrix level of
546 services, if known; the program award amount per student; the
547 total expenditures for the purposes specified in paragraph
548 (4)(b); the types of providers of services to students; and any
549 other information deemed necessary by the department.

550 13. Notify eligible nonprofit scholarship funding

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organizations that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district's share of state funding through the Florida Education Finance Program as calculated by the department.

14. Adjust payments to eligible nonprofit scholarship-funding organizations and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check completed pursuant to subparagraph 2.

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3) (a) are established for up to 18,000 students annually beginning in the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 1.0 percent of the state's total full-time equivalent student membership ~~public school student enrollment~~. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

~~a. Received a scholarship pursuant to s. 1002.395 during the previous school year but did not receive a renewal scholarship based solely on the eligible nonprofit scholarship-funding organization's lack of available funds after the~~

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organization fully exhausted its efforts to use funds available for awards under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit scholarship-funding organizations with students who meet the criterion in this subparagraph must annually notify the department in a format and by a date established by the department. The maximum number of scholarships awarded pursuant to this subparagraph shall not exceed 15,000 per school year;

a.b. Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child; or

b.e. Is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and either spent the prior school year in attendance at a Florida public school or, beginning in the 2022-2023 school year, is eligible to enroll in kindergarten. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by a school district for funding during either the preceding October or February full-time equivalent student membership ~~Florida Education Finance Program~~ surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program.

2. The scholarship amount provided to a student for any single school year shall be for tuition and fees for an eligible private school, not to exceed annual limits, which shall be determined in accordance with this subparagraph. The calculated

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601 scholarship amount for a participating student shall be based
602 upon the grade level and school district in which the student
603 was assigned as 100 percent of the funds per unweighted full-
604 time equivalent in the Florida Education Finance Program for a
605 student in the basic program established pursuant to s.
606 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
607 for all categorical programs, except for the exceptional student
608 education guaranteed allocation established pursuant to s.
609 1011.62(1)(e).

610 3. The amount of the scholarship shall be the calculated
611 amount or the amount of the private school's tuition and fees,
612 whichever is less. The amount of any assessment fee required by
613 the participating private school and any costs to provide a
614 digital device, including Internet access, if necessary, to the
615 student may be paid from the total amount of the scholarship.

616 4. A scholarship of \$750 may be awarded to a student who
617 is determined eligible pursuant to subparagraph (3)(a)1. or
618 subparagraph (3)(a)2. and enrolled in a Florida public school
619 that is different from the school to which the student was
620 assigned or in a lab school as defined in s. 1002.32 if the
621 school district does not provide the student with transportation
622 to the school.

623 5. ~~Upon notification from the organization on July 1,~~
624 ~~September 1, December 1, and February 1 that an application has~~
625 ~~been approved for the program, the department shall verify that~~

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626 ~~the student is not prohibited from receiving a scholarship~~
627 ~~pursuant to subsection (6).~~ The organization must provide the
628 department with the documentation necessary to verify the
629 student's participation. Upon receiving the documentation
630 ~~verification~~, the department shall transfer, from state funds
631 only, the amount calculated pursuant to subparagraph 2. to the
632 organization for quarterly disbursement to parents of
633 participating students each school year in which the scholarship
634 is in force. For a student exiting a Department of Juvenile
635 Justice commitment program who chooses to participate in the
636 scholarship program, the amount of the Family Empowerment
637 Scholarship calculated pursuant to subparagraph 2. must be
638 transferred from the school district in which the student last
639 attended a public school before commitment to the Department of
640 Juvenile Justice. When a student enters the scholarship program,
641 the organization must receive all documentation required for the
642 student's participation, including the private school's and the
643 student's fee schedules, at least 30 days before the first
644 quarterly scholarship payment is made for the student.

645 6. The initial payment shall be made after the
646 organization's verification of admission acceptance, and
647 subsequent payments shall be made upon verification of continued
648 enrollment and attendance at the private school. Payment must be
649 by individual warrant made payable to the student's parent or by
650 funds transfer or any other means of payment that the department

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deems to be commercially viable or cost-effective. If the payment is made by warrant, the warrant must be delivered by the organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An organization shall ensure that the parent to whom the warrant is made has restrictively endorsed the warrant to the private school for deposit into the account of the private school or that the parent has approved a funds transfer before any scholarship funds are deposited.

(b)1. Scholarships for students determined eligible pursuant to paragraph (3) (b) are established for up to 20,000 students annually beginning in the 2021-2022 school year. Beginning in the 2022-2023 school year, the maximum number of students participating in the scholarship program under this section shall annually increase by 1.0 percent of the state's total exceptional student education full-time equivalent student membership ~~enrollment~~, not including gifted students. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district ~~local~~ school board in accordance with rules of the State Board of Education;

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b. Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child;

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the preceding October or February full-time equivalent student membership ~~Florida Education Finance Program~~ surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership ~~Florida Education Finance Program~~ surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the

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701 calculated scholarship amount for a student participating in the
702 program must be based upon the grade level and school district
703 in which the student would have been enrolled as the total funds
704 per unweighted full-time equivalent in the Florida Education
705 Finance Program for a student in the basic exceptional student
706 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
707 plus a per full-time equivalent share of funds for all
708 categorical programs, as funded in the General Appropriations
709 Act, except that for the exceptional student education
710 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
711 2., the funds must be allocated based on the school district's
712 average exceptional student education guaranteed allocation
713 funds per exceptional student education full-time equivalent
714 student.

715 3. For a student with a Level IV or Level V matrix of
716 services, the calculated scholarship amount must be based upon
717 the school district to which the student would have been
718 assigned as the total funds per full-time equivalent for the
719 Level IV or Level V exceptional student education program
720 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
721 equivalent share of funds for all categorical programs, as
722 funded in the General Appropriations Act.

723 4. For a student who received a Gardiner Scholarship
724 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
725 shall be the greater of the amount calculated pursuant to

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726 subparagraph 2. or the amount the student received for the 2020-
727 2021 school year.

728 5. For a student who received a John M. McKay Scholarship
729 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
730 shall be the greater of the amount calculated pursuant to
731 subparagraph 2. or the amount the student received for the 2020-
732 2021 school year.

733 6. ~~Upon notification from an organization on July 1,~~
734 ~~September 1, December 1, and February 1 that an application has~~
735 ~~been approved for the program, the department shall verify that~~
736 ~~the student is not prohibited from receiving a scholarship~~
737 ~~pursuant to subsection (6).~~ The organization must provide the
738 department with the documentation necessary to verify the
739 student's participation.

740 7. Upon receiving the documentation ~~verification~~, the
741 department shall release, from state funds only, the student's
742 scholarship funds to the organization, to be deposited into the
743 student's account in four equal amounts no later than September
744 1, November 1, February 1, and April 1 of each school year in
745 which the scholarship is in force.

746 8. Accrued interest in the student's account is in
747 addition to, and not part of, the awarded funds. Program funds
748 include both the awarded funds and accrued interest.

749 9. The organization may develop a system for payment of
750 benefits by funds transfer, including, but not limited to, debit

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751 cards, electronic payment cards, or any other means of payment
752 which the department deems to be commercially viable or cost-
753 effective. A student's scholarship award may not be reduced for
754 debit card or electronic payment fees. Commodities or services
755 related to the development of such a system must be procured by
756 competitive solicitation unless they are purchased from a state
757 term contract pursuant to s. 287.056.

758 10. Moneys received pursuant to this section do not
759 constitute taxable income to the qualified student or the parent
760 of the qualified student.

761 Section 5. Paragraph (d) of subsection (9) of section
762 1002.395, Florida Statutes, is amended to read:

763 1002.395 Florida Tax Credit Scholarship Program.—

764 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
765 Education shall:

766 (d) Cross-check the list of participating scholarship
767 students with the public school enrollment lists to avoid
768 duplication and, when the Florida Education Finance Program is
769 recalculated, adjust the amount of state funds allocated to
770 school districts through the Florida Education Finance Program
771 based upon the results of the cross-check.

772 Section 6. Paragraph (a) of subsection (8) of section
773 1002.40, Florida Statutes, is amended to read:

774 1002.40 The Hope Scholarship Program.—

775 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

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776 shall:

777 (a) Cross-check the list of participating scholarship
778 students with the public school enrollment lists to avoid
779 duplication and, when the Florida Education Finance Program is
780 recalculated, adjust the amount of state funds allocated to
781 school districts through the Florida Education Finance Program
782 based upon the results of the cross-check.

783 Section 7. Subsections (6) through (11) of section
784 1002.45, Florida Statutes, are renumbered as subsections (5)
785 through (10), respectively, and subsections (1) and (2),
786 paragraphs (b), (c), and (d) of subsection (3), subsections (4)
787 and (5), and present subsections (6), (7), (8), and (11) of
788 section 1002.45, Florida Statutes, are amended, to read:

789 1002.45 Virtual instruction programs.—

790 (1) PROGRAM.—

791 (a) For purposes of this section, the term:

792 1. "Approved virtual instruction program provider" means a
793 provider that is approved by the State Board ~~Department~~ of
794 Education under subsection (2), the Florida Virtual School, ~~a~~
795 ~~franchise of the Florida Virtual School,~~ or a Florida College
796 System institution.

797 2. "Department" means the Department of Education.

798 ~~3.2.~~ "Virtual instruction program" means a program of
799 instruction provided in an interactive learning environment
800 created through technology in which students are separated from

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their teachers by time or space, or both.

(b)1. Each school district shall provide at least one option for part-time and full-time virtual instruction for students residing within the school district. All school districts must provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year. ~~The purpose of the program is to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom.~~ A school district virtual instruction program shall consist of the following:

~~a.1.~~ Full-time and part-time virtual instruction for students enrolled in kindergarten through grade 12.

~~b.2.~~ Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.

2. Each virtual instruction program established under paragraph (c) by a school district either directly or through a contract with an approved virtual instruction program provider shall operate under its own Master School Identification Number as prescribed by the department.

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826 (c) To provide students residing within the school
827 district ~~with~~ the option of participating in virtual instruction
828 programs as required by paragraph (b), a school district may:

829 1. Contract with the Florida Virtual School ~~or establish a~~
830 ~~franchise of the Florida Virtual School for the provision of a~~
831 ~~program under paragraph (b). Using this option is subject to the~~
832 ~~requirements of this section and s. 1011.61(1)(c)1.b.(III) and~~
833 ~~(IV) and (4). A district may report full-time equivalent student~~
834 ~~membership for credit earned by a student who is enrolled in a~~
835 ~~virtual education course provided by the district which was~~
836 ~~completed after the end of the regular school year if the FTE is~~
837 ~~reported no later than the deadline for amending the final~~
838 ~~student membership report for that year.~~

839 2. Contract with an approved virtual instruction program
840 provider under subsection (2) for the provision of a full-time
841 or part-time program under paragraph (b).

842 3. Enter into an agreement with other school districts to
843 allow the participation of its students in an approved virtual
844 instruction program provided by the other school district. The
845 agreement must indicate a process for the transfer of funds
846 required by paragraph (6)(b) ~~(7)(a)~~.

847 4. Establish school district operated part-time or full-
848 time kindergarten through grade 12 virtual instruction programs
849 ~~under paragraph (b) for students enrolled in the school~~
850 ~~district. A full-time program shall operate under its own Master~~

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851 ~~School Identification Number.~~

852 5. Enter into an agreement with a virtual charter school
853 authorized by the school district under s. 1002.33.

854
855 Contracts under subparagraph 1. or subparagraph 2. may include
856 multidistrict contractual arrangements ~~that may be~~ executed by a
857 regional consortium service organization established pursuant to
858 s. 1001.451 for its member districts. A multidistrict
859 contractual arrangement or an agreement under subparagraph 3. is
860 not subject to s. 1001.42(4)(d) and does not require the
861 participating school districts to be contiguous. These
862 arrangements may be used to fulfill the requirements of
863 paragraph (b).

864 (d) A virtual charter school may provide full-time or
865 part-time virtual instruction for students in kindergarten
866 through grade 12 residing within the school district sponsoring
867 the virtual charter school if the virtual charter school has a
868 charter approved pursuant to s. 1002.33. A virtual charter
869 school may:

- 870 1. Contract with the Florida Virtual School.
- 871 2. Contract with an approved virtual instruction program
872 provider under subsection (2).
- 873 3. Enter into an agreement with a school district to allow
874 the participation of the virtual charter school's students in
875 the school district's virtual instruction program. The agreement

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876 must indicate a process for reporting of student enrollment and
877 the transfer of funds required by paragraph (6) (b) ~~(7)(a)~~.

878 (e) Each school district shall:

879 1. Provide to the department by each October 1, a copy of
880 each contract and the amount ~~amounts~~ paid per unweighted full-
881 time equivalent virtual student for services procured pursuant
882 to subparagraphs (c)1. and 2.

883 2. Expend any ~~the~~ difference in the amount of funds per
884 unweighted full-time equivalent virtual student allocated to
885 ~~provided for a student participating in~~ the school district
886 ~~virtual instruction program~~ pursuant to subsection (6)(7) and
887 the amount ~~price~~ paid per unweighted full-time equivalent
888 virtual student by the school district for a contract executed
889 pursuant to subparagraph (c)1. or subparagraph (c)2. on ~~for~~
890 acquiring computer and device hardware and associated operating
891 system software that comply with the requirements of s.
892 1001.20 (4) (a)1.b.

893 3. Provide to the department ~~and~~ by September 1 of each
894 year ~~report to the department~~ an itemized list of items acquired
895 in subparagraph 2 ~~with these funds~~.

896 ~~4.3.~~ Limit the enrollment of ~~virtual~~ full-time equivalent
897 virtual students residing outside of the school district
898 providing the virtual instruction pursuant to paragraph (c) to
899 no more than 50 percent of the total enrolled ~~virtual~~ full-time
900 equivalent virtual students residing inside the school district

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901 providing the virtual instruction. This subparagraph applies to
902 any virtual instruction contract or agreement that is entered
903 into for the first time after June 30, 2021. However, a school
904 district may not enroll more ~~virtual~~ full-time equivalent
905 virtual students residing outside of the school district than
906 the total number of reported full-time equivalent students
907 residing inside the school district.

908 (2) PROVIDER QUALIFICATIONS.—

909 (a) The department shall annually publish on its website
910 ~~online~~ a list of providers approved by the State Board of
911 Education to offer virtual instruction programs. To be approved
912 ~~by the department~~, a virtual instruction program provider must
913 document that it:

914 1. Is nonsectarian in its programs, admission policies,
915 employment practices, and operations;

916 2. Complies with the antidiscrimination provisions of s.
917 1000.05;

918 3. Locates an administrative office or offices in this
919 state, requires its administrative staff to be state residents,
920 requires all instructional staff to be Florida-certified
921 teachers under chapter 1012 and conducts background screenings
922 for all employees or contracted personnel, as required by s.
923 1012.32, using state and national criminal history records;

924 4. Electronically provides to parents and students
925 specific information ~~posted and accessible online~~ that includes,

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but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact with the parent and the student each month;

5. Possesses prior, successful experience offering virtual instruction ~~online~~ courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a virtual instruction program provider without sufficient prior, successful experience offering online courses, the State Board of Education ~~department~~ may conditionally approve the virtual instruction program provider to offer courses measured pursuant to subparagraph (7)(a)2. ~~(8)(a)2.~~ Conditional approval shall be valid for 1 school year only and, based on the virtual

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951 instruction program provider's experience in offering the
952 courses, the State Board of Education may ~~department shall~~
953 ~~determine whether to~~ grant approval to offer a virtual
954 instruction program;

955 6. Is accredited by a regional accrediting association as
956 defined by State Board of Education rule;

957 7. Ensures instructional and curricular quality through a
958 detailed curriculum and student performance accountability plan
959 that addresses every subject and grade level it intends to
960 provide through contract with the school district, including:

961 a. Courses and programs that meet the standards of the
962 International Association for K-12 Online Learning and the
963 Southern Regional Education Board.

964 b. Instructional content and services that align with, and
965 measure student attainment of, student proficiency in the Next
966 Generation Sunshine State Standards.

967 c. Mechanisms that determine and ensure that a student has
968 satisfied requirements for grade level promotion and high school
969 graduation with a standard diploma, as appropriate;

970 8. Publishes ~~for the general public~~, in accordance with
971 disclosure requirements adopted in rule by the State Board of
972 Education, as part of its application as an approved virtual
973 instruction program a provider and in all contracts negotiated
974 pursuant to this section:

975 a. Information and data about the curriculum of each full-

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976 time and part-time virtual instruction program.

977 b. School policies and procedures.

978 c. Certification status and physical location of all
979 administrative and instructional personnel.

980 d. Hours and times of availability of instructional
981 personnel.

982 e. Student-teacher ratios.

983 f. Student completion and promotion rates.

984 g. Student, educator, and school performance accountability
985 outcomes;

986 9. If the approved virtual instruction program provider is
987 a Florida College System institution, employs instructors who
988 meet the certification requirements for instructional staff
989 under chapter 1012; and

990 10. Performs an annual financial audit of its accounts and
991 records conducted by an independent auditor who is a certified
992 public accountant licensed under chapter 473. The independent
993 auditor shall conduct the audit ~~which is~~ in accordance with
994 rules adopted by the Auditor General pursuant to s. 11.45 and,
995 upon completion of the audit, shall prepare an audit report in
996 accordance with such rules. The audit report must include a
997 written statement by the approved virtual instruction program
998 provider describing any corrective action to be taken in
999 response to each of the independent auditor's recommendations
1000 included in the audit report. The independent auditor shall

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submit the audit report to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year, ~~is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.~~

(b) An approved virtual instruction program provider that maintains compliance with all requirements of this section shall retain its approved status for a period of ~~during the~~ 3 school years after the date of ~~the department's~~ approval by the State Board of Education under paragraph (a) ~~as long as the provider continues to comply with all requirements of this section.~~ ~~However, each provider approved by the department for the 2011-2012 school year must reapply for approval to provide a part-time program for students in grades 9 through 12.~~

(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:

(b) Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction ~~virtually delivered~~ course of study.

(c) Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.

(d) Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price

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1026 school lunches under the National School Lunch Act, or who is on
1027 the direct certification list, and who does not have a computer
1028 or Internet access in his or her home with:

1029 1. All equipment necessary for participants in the virtual
1030 instruction program, including, but not limited to, a computer,
1031 computer monitor, and printer, if a printer is necessary to
1032 participate in the virtual instruction program; and

1033 2. Access to or reimbursement for all Internet services
1034 necessary for online delivery of instruction.

1035 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
1036 virtual instruction program provider must, at minimum:

1037 (a) Set forth a detailed curriculum plan that illustrates
1038 how students will be provided services and be measured for
1039 attainment of proficiency in the Next Generation Sunshine State
1040 Standards for each grade level and subject.

1041 (b) Provide a method for determining that a student has
1042 satisfied the requirements for graduation in s. 1002.3105(5), s.
1043 1003.4281, or s. 1003.4282 if the contract is for the provision
1044 of a full-time virtual instruction program to students in grades
1045 9 through 12.

1046 (c) Specify a method for resolving conflicts among the
1047 parties.

1048 (d) Specify authorized reasons for termination of the
1049 contract.

1050 (e) Require the approved virtual instruction program

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1051 provider to be responsible for all debts of the virtual
1052 instruction program if the contract is not renewed or is
1053 terminated.

1054 (f) Require the approved virtual instruction program
1055 provider to comply with all requirements of this section.

1056 (g) Require the approved virtual instruction program
1057 provider to submit a concise, uniform, monthly financial
1058 statement summary sheet in a form prescribed by the department.

1059 (h) Provide the current incoming baseline standard of
1060 student academic achievement, the outcomes to be achieved, the
1061 method of measurement that will be used, and a detailed
1062 description of:

1063 1. How the baseline student academic achievement levels
1064 and prior rates of academic progress will be established.

1065 2. How these baseline rates will be compared to rates of
1066 academic progress achieved by the same students while enrolled
1067 in the virtual instruction program.

1068 3. To the extent possible, how the rates of progress will
1069 be evaluated and compared with rates of progress of other
1070 closely comparable student populations.

1071 (i) Require the approved virtual instruction program
1072 provider to annually submit an accountability report that
1073 contains demographic information and student achievement
1074 performance data, that links baseline student data to the
1075 provider performance projections identified in the contract.

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1076 ~~(5) STUDENT ELIGIBILITY. A student may enroll in a virtual~~
1077 ~~instruction program provided by the school district or by a~~
1078 ~~virtual charter school pursuant to s. 1002.455.~~

1079 (5)~~(6)~~ STUDENT PARTICIPATION REQUIREMENTS.—Each student
1080 enrolled in the school district's a virtual instruction program
1081 authorized pursuant to paragraph (1)(c) ~~or virtual charter~~
1082 ~~school~~ must:

1083 (a) Comply with the compulsory attendance requirements of
1084 s. 1003.21. Student attendance must be verified by the school
1085 district.

1086 (b) Take statewide assessments pursuant to s. 1008.22.
1087 Statewide assessments may be administered within the school
1088 district in which such student resides, or as specified in the
1089 contract in accordance with s. 1008.24(3). If requested by the
1090 approved virtual instruction program provider or virtual charter
1091 school, the district of residence must provide the student with
1092 access to the district's testing facilities.

1093 (6)~~(7)~~ VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER
1094 SCHOOL FUNDING.—

1095 (a) All virtual instruction programs established pursuant
1096 to paragraph (1)(c) are subject to the requirements of s.
1097 1011.61(1)(c)1.b.(III), (IV), (VI) and (4) and the school
1098 district providing the virtual instruction program shall report
1099 the full-time equivalent students, in a manner prescribed by the
1100 department. A school district may report a full-time equivalent

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1101 student for credit earned by a student who is enrolled in a
1102 virtual instruction course provided by the district which was
1103 completed after the end of the regular school year if the full-
1104 time equivalent student is reported no later than the deadline
1105 for amending the final full-time equivalent student membership
1106 report for that year ~~Students enrolled in a virtual instruction~~
1107 ~~program or a virtual charter school shall be funded through the~~
1108 ~~Florida Education Finance Program as provided in the General~~
1109 ~~Appropriations Act. However, such funds may not be provided for~~
1110 ~~the purpose of fulfilling the class size requirements in ss.~~
1111 ~~1003.03 and 1011.685. The school district providing the virtual~~
1112 ~~instruction shall report the full-time equivalent students for a~~
1113 ~~virtual instruction program or a virtual charter school to the~~
1114 ~~department in a manner prescribed by the department.~~

1115 (b) Students enrolled in a virtual instruction program
1116 shall be funded in the Florida Education Finance Program as
1117 provided in the General Appropriations Act. The calculation to
1118 determine the amount of funds for each student through Florida
1119 Education Finance Program shall include the sum of the base
1120 Florida Education Finance Program pursuant to s. 1011.62(1)(s)
1121 and all categorical programs except for the categorical programs
1122 established pursuant to ss. 1011.62(1)(f), 1011.62(7),
1123 1011.62(13), 1011.685, and 1012.71. Students residing outside of
1124 the school district reporting the full-time equivalent virtual
1125 student shall be funded from state funds only.

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~~(b) For purposes of a virtual instruction program or a virtual charter school, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).~~

~~(c) For a student enrolled in a kindergarten through grade 12 virtual instruction program, a "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) and (IV).~~

~~(d) The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4).~~

~~(c)(e)~~ A Florida College System institution provider may not report students who are served in a virtual instruction program for funding under the Florida College System Program Fund.

~~(7)(8)~~ ASSESSMENT AND ACCOUNTABILITY.—

(a) Each approved virtual instruction program provider contracted pursuant to ~~under~~ this section must:

1. Participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.

2. Receive a school grade under s. 1008.34 or a school improvement rating under s. 1008.341, as applicable. The ~~school grade or~~ school improvement rating received by each approved virtual instruction program provider shall be based upon the aggregated assessment scores of all students served by the

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1151 provider statewide. Each approved virtual instruction program
1152 provider shall receive a district grade pursuant to s. 1008.34
1153 based upon the aggregated assessment scores of all students
1154 served by the provider statewide and a separate school grade for
1155 each school district with which it contracts based upon the
1156 assessment scores of all students served within the school
1157 district. The department shall publish the school grade or
1158 school improvement rating received by each approved virtual
1159 instruction program provider on its Internet website. The
1160 department shall develop an evaluation method for providers of
1161 part-time programs which includes the percentage of students
1162 making learning gains, the percentage of students successfully
1163 passing any required end-of-course assessment, the percentage of
1164 students taking Advanced Placement examinations, and the
1165 percentage of students scoring 3 or higher on an Advanced
1166 Placement examination.

1167 (b) The performance of part-time students in grades 9
1168 through 12 shall not be included for purposes of school grades
1169 or school improvement ratings under subparagraph (a)2.; however,
1170 their performance shall be included for school grading or school
1171 improvement rating purposes by the district ~~nonvirtual~~ school
1172 providing the student's primary instruction.

1173 (c) An approved virtual instruction program provider that
1174 receives a school grade of "D" or "F" pursuant to ~~under~~ s.
1175 1008.34 or a school improvement rating of "Unsatisfactory"

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1176 pursuant to ~~under~~ s. 1008.341 must file a school improvement
1177 plan with the department for consultation to determine the
1178 causes for low performance and corrective actions necessary to
1179 improve performance ~~to develop a plan for correction and~~
1180 ~~improvement.~~

1181 (d) An approved virtual instruction program provider's
1182 contract is automatically ~~must be~~ terminated if the provider
1183 earns two consecutive ~~receives a school grades~~ grade of "D" or
1184 "F" pursuant to ~~under~~ s. 1008.34 after all school grade appeals
1185 are final or earns two consecutive a school improvement ratings
1186 ~~rating~~ of "Unsatisfactory" pursuant to ~~under~~ s. 1008.341 ~~for 2~~
1187 ~~years during any consecutive 4-year period~~ or has violated any
1188 qualification requirement pursuant to subsection (2). An
1189 approved virtual instruction program A provider that has a
1190 contract terminated under this paragraph may not be considered
1191 an approved virtual instruction program provider ~~for a period of~~
1192 at least 1 year after the date upon which the contract was
1193 terminated and until the State Board of Education ~~department~~
1194 determines that the virtual instruction program provider is in
1195 compliance with subsection (2) and has corrected each cause of
1196 the provider's low performance.

1197 ~~(10)-(11)~~ RULES.—The State Board of Education shall adopt
1198 rules necessary to administer this section, including rules that
1199 prescribe disclosure requirements under subsection (2), a
1200 standard contract that meets the requirements under subsection

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1201 (4), and school district reporting requirements under subsection
1202 (6) ~~(7)~~.

1203 Section 8. Section 1002.455, Florida Statutes, is amended
1204 to read:

1205 1002.455 Student eligibility for K-12 virtual
1206 instruction.—All students, including home education and private
1207 school students, are eligible to participate in any of the
1208 following virtual instruction options:

1209 (1) School district operated part-time or full-time
1210 kindergarten through grade 12 virtual instruction programs
1211 pursuant to s. 1002.45(1)(c)4. to students within the school
1212 district ~~under s. 1002.45(1)(b)~~.

1213 (2) Part-time or full-time virtual charter school
1214 instruction authorized pursuant to s. 1002.45(1)(c)5. ~~under s.~~
1215 ~~1002.33~~ to students within the school district or to students in
1216 other school districts throughout the state pursuant to s.
1217 1002.31; however, the school district enrolling the full-time
1218 equivalent virtual student shall comply with the enrollment
1219 requirements established under to s. 1002.45(1)(e)4.

1220 (3) Virtual courses offered in the course code directory
1221 to students within the school district or to students in other
1222 school districts throughout the state pursuant to s. 1003.498.

1223 (4) Florida Virtual School instructional services
1224 authorized pursuant to ~~under~~ s. 1002.37.

1225 (5) Virtual instruction provided by a school district

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through a contract with an approved virtual instruction program
provider pursuant to s. 1002.45(1)(c)2. to students within the
school district or to students in other school districts
throughout the state pursuant to s. 1002.31; however the school
district enrolling the full-time equivalent virtual student
shall comply with the enrollment requirements established under
s. 1002.45(1)(e)4.

Section 9. Paragraph (b) of subsection (2) of section
1003.498, Florida Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(2) School districts may offer virtual courses for
students enrolled in the school district. These courses must be
identified in the course code directory. Students may
participate in these virtual course offerings pursuant to s.
1002.455.

(b)1. Any student who is enrolled in a school district may
register and enroll in an online course offered by any other
school district in the state. The school district in which the
student completes the course shall report the student's
completion of that course for funding pursuant to s.
1011.61(1)(c)1.b.(VI), and the home school district shall not
report the student for funding for that course.

2. The full-time equivalent student membership calculated
under this subsection is subject to the requirements in s.
1011.61(4). The Department of Education shall establish

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procedures to enable interdistrict coordination for the delivery and funding of this online option.

3. Funding for virtual courses shall be as provided in s. 1002.45 (6) .

Section 10. Paragraph (a) of subsection (13) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(13) (a) Funding for eligible students enrolled in juvenile justice education programs shall be the same as traditional students funded in ~~provided through~~ the Florida Education Finance Program and as specified ~~provided in s. 1011.62 and the~~ General Appropriations Act. ~~Funding shall include, at a minimum:~~

~~1. Weighted program funding or the basic amount for current operation multiplied by the district cost differential as provided in s. 1011.62 (2);~~

~~2. The supplemental allocation for juvenile justice education as provided in s. 1011.62 (9);~~

~~3. A proportionate share of the district's exceptional student education guaranteed allocation, the supplemental academic instruction allocation, and the instructional materials allocation;~~

~~4. An amount equivalent to the proportionate share of the state average potential discretionary local effort for operations, which shall be determined as follows:~~

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~~a. If the district levies the maximum discretionary local effort and the district's discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall include both the discretionary local effort and the compression supplement per FTE. If the district's discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average; or~~

~~b. If the district does not levy the maximum discretionary local effort and the district's actual discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall be equal to the district's actual discretionary local effort per FTE. If the district's actual discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average potential local effort per FTE; and~~

~~5. A proportionate share of the district's proration to funds available, if necessary.~~

Section 11. Section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or

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1301 security agencies to establish or assign one or more safe-school
1302 officers at each school facility within the district, including
1303 charter schools. A district school board must collaborate with
1304 charter school governing boards to facilitate charter school
1305 access to all safe-school officer options available under this
1306 section. The school district may implement any combination of
1307 the options in subsections (1)-(4) to best meet the needs of the
1308 school district and charter schools.

1309 (1) SCHOOL RESOURCE OFFICER.—A school district may
1310 establish school resource officer programs through a cooperative
1311 agreement with law enforcement agencies.

1312 (a) School resource officers shall undergo criminal
1313 background checks, drug testing, and a psychological evaluation
1314 and be certified law enforcement officers, as defined in s.
1315 943.10(1), who are employed by a law enforcement agency as
1316 defined in s. 943.10(4). The powers and duties of a law
1317 enforcement officer shall continue throughout the employee's
1318 tenure as a school resource officer.

1319 (b) School resource officers shall abide by district
1320 school board policies and shall consult with and coordinate
1321 activities through the school principal, but shall be
1322 responsible to the law enforcement agency in all matters
1323 relating to employment, subject to agreements between a district
1324 school board and a law enforcement agency. Activities conducted
1325 by the school resource officer which are part of the regular

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instructional program of the school shall be under the direction of the school principal.

(c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(2) SCHOOL SAFETY OFFICER.—A school district may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the

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1351 power to make arrests for violations of law on district school
1352 board property and to arrest persons, whether on or off such
1353 property, who violate any law on such property under the same
1354 conditions that deputy sheriffs are authorized to make arrests.
1355 A school safety officer has the authority to carry weapons when
1356 performing his or her official duties.

1357 (c) School safety officers must complete mental health
1358 crisis intervention training using a curriculum developed by a
1359 national organization with expertise in mental health crisis
1360 intervention. The training shall improve officers' knowledge and
1361 skills as first responders to incidents involving students with
1362 emotional disturbance or mental illness, including de-escalation
1363 skills to ensure student and officer safety.

1364 (d) A district school board may enter into mutual aid
1365 agreements with one or more law enforcement agencies as provided
1366 in chapter 23. A school safety officer's salary may be paid
1367 jointly by the district school board and the law enforcement
1368 agency, as mutually agreed to.

1369 (3) SCHOOL GUARDIAN.—At the school district's or the
1370 charter school governing board's discretion, as applicable,
1371 pursuant to s. 30.15, a school district or charter school
1372 governing board may participate in the Coach Aaron Feis Guardian
1373 Program to meet the requirement of establishing a safe-school
1374 officer. The following individuals may serve as a school
1375 guardian, in support of school-sanctioned activities for

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purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a school guardian in addition to his or her official job duties; or

(b) An employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian.

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(18) to employ as a school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter

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1401 school governing board, as applicable. The Department of Law
1402 Enforcement is authorized to provide the sheriff's office,
1403 school district, or charter school governing board with mental
1404 health and substance abuse data for compliance with this
1405 paragraph.

1406 3. Submit to and pass an initial drug test and subsequent
1407 random drug tests in accordance with the requirements of s.
1408 112.0455 and the sheriff's office, school district, or charter
1409 school governing board, as applicable.

1410 4. Successfully complete ongoing training, weapon
1411 inspection, and firearm qualification on at least an annual
1412 basis and provide documentation to the sheriff's office, school
1413 district, or charter school governing board, as applicable.

1414 (b) The contract between a security agency and a school
1415 district or a charter school governing board regarding
1416 requirements applicable to school security guards serving in the
1417 capacity of a safe-school officer for purposes of satisfying the
1418 requirements of this section shall define the entity or entities
1419 responsible for training and the responsibilities for
1420 maintaining records relating to training, inspection, and
1421 firearm qualification.

1422 (c) School security guards serving in the capacity of a
1423 safe-school officer pursuant to this subsection are in support
1424 of school-sanctioned activities for purposes of s. 790.115, and
1425 must aid in the prevention or abatement of active assailant

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incidents on school premises.

(5) NOTIFICATION.—The school district shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) EXEMPTION.—Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource

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officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) ~~s. 1011.62(13)~~ and shall be retained by the school district.

Section 12. Paragraph (a) of subsection (3) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed in this section on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. Programs for exceptional students, on an aggregate program basis, 90 percent.
5. Grades 7 through 12 career education programs, on an aggregate program basis, 80 percent.
6. Students-at-risk programs, on an aggregate program basis, 80 percent.
7. Juvenile justice programs, on an aggregate program basis, 95 ~~90~~ percent.
8. Any new program established and funded under s. 1011.62(1)(c), that is not included under subparagraphs 1.-7.,

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on an aggregate basis as appropriate, 80 percent.

Section 13. Subsections (11) through (14) of section 1011.62, Florida Statutes, are renumbered as (10) through (13), respectively, subsections (16) through (19) are renumbered as subsections (14) through (17), respectively, and paragraph (s) of subsection (1), paragraph (a) of subsection (4), paragraph (b) of subsection (6), subsection (10), and present subsections (12) and (15) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(s) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

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1501 2. The cost factor for each program, adjusted for the
1502 maximum as provided by paragraph (c), multiplied by

1503 3. The district cost differential, multiplied by

1504 4.3- The base student allocation.

1505 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1506 Legislature shall prescribe the aggregate required local effort
1507 for all school districts collectively as an item in the General
1508 Appropriations Act for each fiscal year. The amount that each
1509 district shall provide annually toward the cost of the Florida
1510 Education Finance Program for kindergarten through grade 12
1511 programs shall be calculated as follows:

1512 (a) Estimated taxable value calculations.—

1513 1.a. Not later than 2 working days before July 19, the
1514 Department of Revenue shall certify to the Commissioner of
1515 Education its most recent estimate of the taxable value for
1516 school purposes in each school district and the total for all
1517 school districts in the state for the current calendar year
1518 based on the latest available data obtained from the local
1519 property appraisers. The value certified shall be the taxable
1520 value for school purposes for that year, and no further
1521 adjustments shall be made, except those made pursuant to
1522 paragraphs (c) and (d), or an assessment roll change required by
1523 final judicial decisions as specified in paragraph (15) (b)
1524 ~~(17) (b)~~. Not later than July 19, the Commissioner of Education
1525 shall compute a millage rate, rounded to the next highest one

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one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if

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applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for evidence-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (8)(a).

3. Funds for instructional materials if all instructional

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material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase computers and device hardware for student instruction that comply with the requirements of s. 1001.20(4)(a)1.b.

4. Funds for the guaranteed allocation as provided in subparagraph (1)(e)2.

5. Funds for the supplemental academic instruction allocation as provided in paragraph (1)(f).

~~6. Funds for the Florida digital classrooms allocation as provided in subsection (10).~~

~~6.7.~~ Funds for the federally connected student supplement as provided in subsection (10) ~~(11)~~.

~~7.8.~~ Funds for class size reduction as provided in s. 1011.685.

~~(10) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—~~

~~(a) The Florida digital classrooms allocation is created to support the efforts of school districts and schools, including charter schools, to integrate technology in classroom teaching and learning to ensure students have access to high-quality electronic and digital instructional materials and resources, and empower classroom teachers to help their students succeed. Each school district shall receive a minimum digital~~

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~~classrooms allocation in the amount provided in the General Appropriations Act. The remaining balance of the digital classrooms allocation shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.~~

~~(b) Funds allocated under this subsection must be used for costs associated with:~~

~~1. Acquiring and maintaining the items on the eligible services list authorized by the Universal Service Administrative Company for the Schools and Libraries Program, more commonly referred to as the federal E-rate program.~~

~~2. Acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.~~

~~3. Providing professional development, including in-state conference attendance or online coursework, to enhance the use of technology for digital instructional strategies.~~

~~(11)(12)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (15) ~~(17)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base

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1626 funding per unweighted FTE, the increase shall be calculated for
1627 the current year. The current year funds from which the
1628 guarantee shall be determined shall include the adjusted FTE
1629 dollars as provided in subsection (15) ~~(17)~~ and potential
1630 nonvoted discretionary local effort from taxes. A comparison of
1631 current year funds per unweighted FTE to prior year funds per
1632 unweighted FTE shall be computed. For those school districts
1633 which have less than the legislatively assigned percentage
1634 increase, funds shall be provided to guarantee the assigned
1635 percentage increase in funds per unweighted FTE student. Should
1636 appropriated funds be less than the sum of this calculated
1637 amount for all districts, the commissioner shall prorate each
1638 district's allocation. This provision shall be implemented to
1639 the extent specifically funded.

1640 ~~(15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION. The~~
1641 ~~Legislature may provide an annual funding compression and hold~~
1642 ~~harmless allocation in the General Appropriations Act. The~~
1643 ~~allocation is created to provide additional funding to school~~
1644 ~~districts if the school district's total funds per FTE in the~~
1645 ~~prior year were less than the statewide average or if the school~~
1646 ~~district's district cost differential in the current year is~~
1647 ~~less than the prior year. The total allocation shall be~~
1648 ~~distributed to eligible school districts as follows:~~

1649 ~~(a) Using the most recent prior year FEFP calculation for~~
1650 ~~each eligible school district, subtract the total school~~

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~~district funds per FTE from the state average funds per FTE, not including any adjustments made pursuant to paragraph (17)(b).~~

~~The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE.~~

~~(b) Multiply the absolute value of the difference between the eligible school district's current year district cost differential and the prior year district cost differential by a hold harmless factor as designated in the General Appropriations Act. The result is the district cost differential hold harmless index. Multiply the index by the eligible school district's weighted FTE and by the base student allocation as designated in the General Appropriations Act.~~

~~(c) For each district, select the greater of the amounts calculated in paragraphs (a) and (b) and upon summation, if the total amount is greater than the amount included in the General Appropriations Act, the allocation shall be prorated to the appropriation amount based on each participating school district's share.~~

~~This subsection expires July 1, 2022.~~

Section 14. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the

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General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(15) ~~s. 1011.62(17)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

Section 15. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

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1701 1. Definitions.—As used in this paragraph:

1702 a. "Adjustment" means an addition to the base salary
1703 schedule that is not a bonus and becomes part of the employee's
1704 permanent base salary and shall be considered compensation under
1705 s. 121.021(22).

1706 b. "Grandfathered salary schedule" means the salary
1707 schedule or schedules adopted by a district school board before
1708 July 1, 2014, pursuant to subparagraph 4.

1709 c. "Instructional personnel" means instructional personnel
1710 as defined in s. 1012.01(2)(a)-(d), excluding substitute
1711 teachers.

1712 d. "Performance salary schedule" means the salary schedule
1713 or schedules adopted by a district school board pursuant to
1714 subparagraph 5.

1715 e. "Salary schedule" means the schedule or schedules used
1716 to provide the base salary for district school board personnel.

1717 f. "School administrator" means a school administrator as
1718 defined in s. 1012.01(3)(c).

1719 g. "Supplement" means an annual addition to the base
1720 salary for the term of the negotiated supplement as long as the
1721 employee continues his or her employment for the purpose of the
1722 supplement. A supplement does not become part of the employee's
1723 continuing base salary but shall be considered compensation
1724 under s. 121.021(22).

1725 2. Cost-of-living adjustment.—A district school board may

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1726 provide a cost-of-living salary adjustment if the adjustment:

1727 a. Does not discriminate among comparable classes of
1728 employees based upon the salary schedule under which they are
1729 compensated.

1730 b. Does not exceed 50 percent of the annual adjustment
1731 provided to instructional personnel rated as effective.

1732 3. Advanced degrees.—A district school board may not use
1733 advanced degrees in setting a salary schedule for instructional
1734 personnel or school administrators hired on or after July 1,
1735 2011, unless the advanced degree is held in the individual's
1736 area of certification and is only a salary supplement.

1737 4. Grandfathered salary schedule.—

1738 a. The district school board shall adopt a salary schedule
1739 or salary schedules to be used as the basis for paying all
1740 school employees hired before July 1, 2014. Instructional
1741 personnel on annual contract as of July 1, 2014, shall be placed
1742 on the performance salary schedule adopted under subparagraph 5.
1743 Instructional personnel on continuing contract or professional
1744 service contract may opt into the performance salary schedule if
1745 the employee relinquishes such contract and agrees to be
1746 employed on an annual contract under s. 1012.335. Such an
1747 employee shall be placed on the performance salary schedule and
1748 may not return to continuing contract or professional service
1749 contract status. Any employee who opts into the performance
1750 salary schedule may not return to the grandfathered salary

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1751 schedule.

1752 b. In determining the grandfathered salary schedule for
1753 instructional personnel, a district school board must base a
1754 portion of each employee's compensation upon performance
1755 demonstrated under s. 1012.34 and shall provide differentiated
1756 pay for both instructional personnel and school administrators
1757 based upon district-determined factors, including, but not
1758 limited to, additional responsibilities, school demographics,
1759 critical shortage areas, and level of job performance
1760 difficulties.

1761 5. Performance salary schedule.—By July 1, 2014, the
1762 district school board shall adopt a performance salary schedule
1763 that provides annual salary adjustments for instructional
1764 personnel and school administrators based upon performance
1765 determined under s. 1012.34. Employees hired on or after July 1,
1766 2014, or employees who choose to move from the grandfathered
1767 salary schedule to the performance salary schedule shall be
1768 compensated pursuant to the performance salary schedule once
1769 they have received the appropriate performance evaluation for
1770 this purpose.

1771 a. Base salary.—The base salary shall be established as
1772 follows:

1773 (I) The base salary for instructional personnel or school
1774 administrators who opt into the performance salary schedule
1775 shall be the salary paid in the prior year, including

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adjustments only.

(II) Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule. Beginning July 1, 2021, and until such time as the minimum base salary as defined in s. 1011.62(14) ~~s. 1011.62(16)~~ equals or exceeds \$47,500, the annual increase to the minimum base salary shall not be less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. Thereafter, the annual increase to the minimum base salary shall not be less than 75 percent of the largest adjustment for an employee on the grandfathered salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal

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1801 to at least 50 percent and no more than 75 percent of the annual
1802 adjustment provided for a highly effective employee of the same
1803 classification.

1804 (III) A salary schedule shall not provide an annual salary
1805 adjustment for an employee who receives a rating other than
1806 highly effective or effective for the year.

1807 c. Salary supplements.—In addition to the salary
1808 adjustments, each district school board shall provide for salary
1809 supplements for activities that must include, but are not
1810 limited to:

1811 (I) Assignment to a Title I eligible school.

1812 (II) Assignment to a school that earned a grade of "F" or
1813 three consecutive grades of "D" pursuant to s. 1008.34 such that
1814 the supplement remains in force for at least 1 year following
1815 improved performance in that school.

1816 (III) Certification and teaching in critical teacher
1817 shortage areas. Statewide critical teacher shortage areas shall
1818 be identified by the State Board of Education under s. 1012.07.
1819 However, the district school board may identify other areas of
1820 critical shortage within the school district for purposes of
1821 this sub-sub-subparagraph and may remove areas identified by the
1822 state board which do not apply within the school district.

1823 (IV) Assignment of additional academic responsibilities.

1824
1825 If budget constraints in any given year limit a district school

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board's ability to fully fund all adopted salary schedules, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district.

Section 16. Subsection (4) of section 1012.584, Florida Statutes, is amended to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(13) ~~1011.62(14)~~.

Section 17. This act shall take effect July 1, 2022.